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FM AMEMBASSY SANTO DOMINGO
TO RUEHC/SECSTATE WASHDC PRIORITY 2505
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY
RUEHWN/AMEMBASSY BRIDGETOWN PRIORITY 2228
RUEHCV/AMEMBASSY CARACAS PRIORITY 0976
RUEHGE/AMEMBASSY GEORGETOWN PRIORITY 1138
RUEHKG/AMEMBASSY KINGSTON PRIORITY 2927
RUEHLP/AMEMBASSY LA PAZ MAR 0527
RUEHPO/AMEMBASSY PARAMARIBO PRIORITY 1262
RUEHPU/AMEMBASSY PORT AU PRINCE PRIORITY 4958
RUEHSP/AMEMBASSY PORT OF SPAIN PRIORITY 1966
RUEHUB/USINT HAVANA PRIORITY 0248

UNCLAS SANTO DOMINGO 000386

SIPDIS
SENSITIVE

STATE FOR WHA/CAR AND DRL/IRF

E.O. 12958: N/A

TAGS: [PREL](#) [PHUM](#) [PGOV](#) [ECON](#) [DR](#)

SUBJECT: EVANGELICAL GROUPS CHALLENGE DOMINICAN-VATICAN
CONCORDAT

¶1. (U) Summary: The Concordat signed by the GoDR and the Vatican in 1954 designated the Catholic Church as the official church of the Dominican Republic. In October of 2008, the Supreme Court rejected the Evangelical Church's challenge to the constitutionality of the Concordat. In response to the Supreme Court's decision, a group of evangelical churches has attempted to pass a "Religion Law" to gain more equal treatment of the different churches in the country. End Summary.

¶2. (U) On October 22, the Supreme Court denied an appeal by the Evangelical Church and other Protestant churches, who had argued that the Concordat, which has existed between the Catholic Church and the GoDR since the dictator Trujillo signed it in 1954, is unconstitutional. The group of churches argued that making the Catholic Church the official church of the country violated the constitutional rights to freedom of expression and religion. The Concordat provides the Catholic Church with several benefits, including access to public funds for the construction of churches, exclusion from import tariffs, and recognition of marriages performed in the Catholic Church. Under the Concordat, marriages performed by the Catholic Church are recognized as equally to civil marriages. Additionally, divorce is illegal for those married in the Church although it is permitted for civil marriages. The Concordat also requires that the Catholic religion and its precepts be taught in all public institutions, including schools, orphanages and prisons.

¶3. (U) In its October decision, the Supreme Court ruled that although the Catholic church received several specific benefits under the Concordat, the Concordat does not prohibit the state from granting those same benefits to other religions. As an example, the Court noted that although schools are required to teach Catholic religion and morals, there is no prohibition to teaching other religions as well. Likewise, while the Supreme Court noted that the Catholic Church's marriage records merit significant confidence, because they have been maintained for centuries, other churches could also seek to have their marriages recognized without the need for a separate civil ceremony (as is the case currently).

¶4. (U) Following the Court's ruling, a group of Evangelical churches proposed a "Religion Law" that would grant churches outside of the Catholic religion many of the same benefits granted to the Catholics under the Concordat. The Religion Law would create a registry for all churches and religious

institutions and associations; exempt religious institutions from paying taxes on purchases and donations; grant the institutions a public monthly subsidy for operating expenses; recognize marriages performed in the institutions as civil marriages; and authorize the institutions to erect chapels in public hospitals and prisons.

¶5. (SBU) After the announcement of the proposed Religion Law, the Catholic Bishops held a meeting and expressed their concerns over its anticipated effects. Principally, they worried that ministers without adequate preparation or experience could be performing marriages, and that this could lead to churches being opened solely to gain economic benefits in the name of religion. PolOff spoke about the proposed law with the Executive Director of the Jesuit Service for Refugees and Migrants (SJRM), who Post knows to be rational and relatively objective. He stated that while he does not see a problem with providing other churches with the same benefits that the Catholic Church enjoys, he believes that the Evangelical churches are only seeking to gain benefits and a more privileged status for their ministers. He echoed the concerns that the Catholic Bishops have regarding the possibility that the system of marriages through other religions could lead to corruption and rent seeking activities.

¶6. (U) Because the previous Congressional session did not consider the Religion Law, the Evangelical church is currently awaiting the next session for consideration of their proposed law.

¶7. (SBU) Comment: Evangelicals and others believe that the Concordat has long been a weak point in Dominican religious freedoms, and that prejudice in favor of the Catholic Church extends beyond the benefits stated in the Concordat. For example, churches outside of the Catholic order often complain that their requests for building permits are delayed for years at a time while the Catholic Church is given nearly instant approval and public funding for its structures. The Religion Law will face large hurdles being considered early in the next Congressional session due to significant time being devoted to President Fernandez's proposed constitutional reform. Likewise, it is unlikely that there is a strong general will to consider the law given that only approximately 20 percent of the population is non-Catholic. Post will continue to monitor the progress of the proposed law and its effects on religious freedom.

BULLEN